

# MEMORANDUM

Agenda Item No. 11(A)(19)

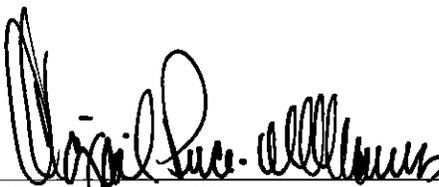
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 3, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to consult with the Port of Miami's Cargo Terminal Operator Stakeholders, Cruise Line Stakeholders and other current or potential Port of Miami users to assess the Port of Miami's land use and infrastructure needs over the next 20 to 30 years and present a written report to this Board regarding such consultation within 90 days; directing the County Mayor to amend and update the portion of the Port of Miami 2035 Master Plan relating to potential on Port commercial development to account for the Port of Miami's projected land use and infrastructure needs and any legal impediments to development and present such amendments to this Board within 150 days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

APW/lmp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 3, 2015

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(19)

Please note any items checked.

- \_\_\_\_\_ **“3-Day Rule” for committees applicable if raised**
- \_\_\_\_\_ **6 weeks required between first reading and public hearing**
- \_\_\_\_\_ **4 weeks notification to municipal officials required prior to public hearing**
- \_\_\_\_\_ **Decreases revenues or increases expenditures without balancing budget**
- \_\_\_\_\_ **Budget required**
- \_\_\_\_\_ **Statement of fiscal impact required**
- \_\_\_\_\_ **Ordinance creating a new board requires detailed County Mayor’s report for public hearing**
- \_\_\_\_\_ **No committee review**
- \_\_\_\_\_ **Applicable legislation requires more than a majority vote (i.e., 2/3’s \_\_\_\_\_, 3/5’s \_\_\_\_\_, unanimous \_\_\_\_\_) to approve**
- \_\_\_\_\_ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(19)  
11-3-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO CONSULT WITH THE PORT OF MIAMI'S CARGO TERMINAL OPERATOR STAKEHOLDERS, CRUISE LINE STAKEHOLDERS AND OTHER CURRENT OR POTENTIAL PORT OF MIAMI USERS TO ASSESS THE PORT OF MIAMI'S LAND USE AND INFRASTRUCTURE NEEDS OVER THE NEXT 20 TO 30 YEARS AND PRESENT A WRITTEN REPORT TO THIS BOARD REGARDING SUCH CONSULTATION WITHIN 90 DAYS; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AMEND AND UPDATE THE PORTION OF THE PORT OF MIAMI 2035 MASTER PLAN RELATING TO POTENTIAL ON PORT COMMERCIAL DEVELOPMENT TO ACCOUNT FOR THE PORT OF MIAMI'S PROJECTED LAND USE AND INFRASTRUCTURE NEEDS AND ANY LEGAL IMPEDIMENTS TO DEVELOPMENT AND PRESENT SUCH AMENDMENTS TO THIS BOARD WITHIN 150 DAYS

**WHEREAS**, on December 6, 2011 by Resolution R-1055-11, this Board approved the Port of Miami 2035 Master Plan ("Port Master Plan"), which included, among other things, potential commercial development of the southwest corner of the Port of Miami ("Southwest Corner"), including, among other things, office space, a hotel, a yacht marina and retail space ("Commercial Development"); and

**WHEREAS**, on September 19, 1991, by Resolution Number R-1015-91, this Board authorized a ground lease with Marine Spill Response Corporation ("MSRC") for 8.69 acres of land located on the southwest corner of the Port of Miami for a term of twenty (20) years which was deemed to commence on June 1, 1993, with MSRC's option to exercise up to four renewal periods of five years each ("MSRC Ground Lease"); and

**WHEREAS**, pursuant to leases between the County and Royal Caribbean Cruises, Ltd. (“RCCL”), RCCL has possession of certain real property along with improvements, including office buildings constituting RCCL’s corporate headquarters, located on the Southwest Corner of the Port of Miami (“RCCL Leases”); and

**WHEREAS**, certain legal impediments and/or required pre-conditions exist or may exist with respect to the Southwest Corner and/or other County-owned land at the Port of Miami, including, without limitation, the relinquishment or relocation of the MSRC leasehold, the modification of other lease agreements including, but not limited to, the RCCL Leases, zoning ordinance amendments, and the removal of any other applicable covenants and/or land use or other restrictions, which could, collectively or individually, preclude, limit, or impair proposed commercial development as described in the Port Master Plan (collectively “Legal Impediments”); and

**WHEREAS**, the Port of Miami has several cruise lines with a significant presence at the Port of Miami, including RCCL, Carnival Corporation, Norwegian Cruise Line, Prestige Cruise Holdings, MSC Cruises, Disney Cruise Line, and other current and prospective passenger service providers (“Cruise Line Stakeholders”); and

**WHEREAS**, the Port of Miami has three cargo terminal operators, SFCT, POMTOC and Seaboard Marine (who collectively serve most of the world’s major cargo lines and all the world’s major cargo alliances) stevedoring firms, the Florida East Coast Railway, and other current and prospective Port of Miami users serving the cargo industry (“Cargo Stakeholders”); and

**WHEREAS**, the Cruise Line Stakeholders and Cargo Stakeholders (collectively (“Stakeholders”)) have not been surveyed regarding the Port Master Plan since this Board’s approval of it on December 6, 2011, particularly with respect to the portion of the Port Master Plan relating to potential Commercial Development of the Southwest Corner at the Port of Miami; and

**WHEREAS**, efficient port planning requires that Port of Miami Stakeholders be periodically surveyed regarding changing land, infrastructure and service requirements,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** This Board incorporates and approves the foregoing recitals.

**Section 2.** This Board directs the County Mayor or the County Mayor’s designee to consult with each of the Port of Miami’s Stakeholders to determine the Port of Miami’s land, infrastructure, and growth needs over the next 20 to 30 years and to prepare a written report regarding such consultation (“Consultation Report”), provide the report to this Board within 90 days from the effective date of this resolution, and place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

**Section 3.** This Board further directs the County Mayor or the County Mayor’s designee to propose amendments and updates to the Commercial Development portion of the Port Master Plan to account for the updated future Port of Miami land, infrastructure and growth needs as identified in the Consultation Report, as well as for any Legal Impediments, and to present such amended Port Master Plan to this Board within 150 days from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Richard Seavey